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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,637	09/19/2003	Morris G. Haney	P-7627(DIV)	5053

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

10/664,637

Applicant(s)

HANEY ET AL.

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/14/04.

### *Specification*

2. The disclosure is objected to because of the following informalities: The specification should have the first paragraph disclosing cross-references to related Applications: See 37 CFR 1.78 and MPEP § 201.11.

Appropriate correction is required.

### *Claim Objections*

3. Claim 2 is objected to because of the following informalities: Claim two ends with a “;” not a “.”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 26 recites the limitation "a first cylindrical section" in line 13. It is unclear if this is the same "first cylindrical section" recited in line 7 of claim 26.

Art Unit: 3679

7. Claim 27, second to last line, it appears that "said first cylindrical" should be "said second cylindrical".

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al.

In regard to claim 1, Kimura et al. discloses a pipe assembly connection comprising:  
a seated connector having a first cylinder section contiguous with a first lipped portion, said first lipped portion being contiguous with a second cylinder section; and  
a base having a threaded end for threaded connection within said seated connector.

In regard to claim 2, wherein said second cylinder section is contiguous with a second lipped portion;

In regard to claim 3, wherein said second lipped portion is contiguous with a terminal section.

In regard to claim 4, wherein said second cylinder section of said seated connector contains threads for direct threaded connection with said base.

In regard to claim 5, wherein said first cylinder section is of wider diameter than said second cylinder section.

In regard to claim 6, wherein said threaded end of said base is triangularly threaded.

Art Unit: 3679

In regard to claim 8, the end of the base is beveled.

10. Claims 1, 18-20, 22-28, 30-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by St. Onge.

In regard to claim 1, St. Onge discloses a pipe assembly connection comprising:

a seated connector 68 having a first cylinder section 22 contiguous with a first lipped portion 84, said first lipped portion being contiguous with a second cylinder section (cylindrical section between 22 and threaded portion); and

a base 76 having a threaded end 74 for threaded connection within said seated connector 68.

In regard to claim 18, St. Onge discloses a single piece PVC pipe of a predetermine interior diameter (interior diameter of 22 to were 80 and 78 are located in fig. 4) that has lateral strength (see fig. 10) when connected to a similar adjacent PVC pipe, the PVC pipe comprising:

a male end 70 of said PVC pipe which has external threads 74;

a female end 68 of said PVC pipe;

a first enlarged interior diameter (interior diameter to the right of where 80 and 78 are located and to the left of 72) of said PVC pipe at said female end, said first enlarged interior diameter being larger than said predetermined interior diameter and having internal threads 72 to mate with said external threads 74 of said male end for said similar adjacent PVC pipe;

a second enlarged interior diameter (diameter to the right of 72) being larger than said first enlarged interior diameter and terminating said PVC pipe at said female end, said second enlarged interior diameter being (a) slightly larger in diameter than said male end 70 of said

Art Unit: 3679

similar adjacent PVC pipe to receive said male end therethrough and (b) long enough to provide said lateral strength when connected to said similar adjacent PVC pipe (see fig. 10);

said male end and said second enlarged interior diameter at said female end funneling said PVC pipe and said similar adjacent PVC pipe together;

said PVC pipe being disconnectable from said similar adjacent PVC pipe and reusable.

In regard to claim 19, the PVC pipe of a predetermined interior diameter that has lateral strength when connected to said similar adjacent PVC pipe as recited in Claim 1 wherein said second enlarged interior diameter (to the right of 72) being of sufficient length to receive a substantial portion of used external threads from said male end of said similar adjacent PVC pipe therein before threading (the left of the internal diameter to the right of 72 is at least as long as the threaded section 74), said used external threads being those threads which are threaded into said internal threads of said first enlarged interior diameter.

In regard to claim 20, wherein said PVC pipe is of a substantially uniform circumference 22 at the male end.

In regard to claim 22, the female end is beveled 82, 84.

In regard to claim 23. The PVC pipe as recited in Claim 19 wherein said first enlarged interior diameter of said female end PVC pipe is formed by expanding said female end while heated and pliable (this is a product by process claim, and the process is given little patentable weight as long as the prior art anticipates the claimed structure of the present invention).

In regard to claim 24, wherein a connection with said similar adjacent PVC pipe will withstand approximately 1000 pounds of lateral force without leaking if said PVC pipe is a 2

Art Unit: 3679

inch diameter PVC pipe or proportionate amounts of lateral force for different diameter PVC pipe.

In regard to claim 25, wherein said external threads 74 and said internal threads 72 are triangularly threaded.

In regard to claim 26, St. Onge discloses a single piece polyvinyl chloride (PVC) drop pipe having a male end 70 and a female end 68 and that has lateral strength when connected to a similar adjacent PVC drop pipe (see fig. 10), said PVC pipe comprising:

external threads 74 at said male end;

an intermediate section between said male end and said female end having a uniform interior diameter (interior bore where numbers 80 and 78 are located);

a first cylindrical section (interior to the right of 72) at said female end;

a second cylindrical section having internal threads 72 to mate with said external threads 74 of said male end of said similar adjacent PVC drop pipe and, prior to having internal threads, having a pre-threaded interior diameter which is greater than said uniform interior diameter of said intermediate section but less than the interior diameter of said first cylindrical section;

said first cylindrical section (interior to the right of 72) at said female end having an interior diameter which is slightly larger than the outer diameter of said male end of said similar adjacent PVC drop pipe to receive said male end of said similar adjacent PVC drop pipe therethrough;

said first cylindrical section positioned to funnel said male end of said similar adjacent PVC drop pipe to said second cylindrical section and being long enough to provide lateral strength when said PVC pipe is connected to a similar adjacent PVC drop pipe;

Art Unit: 3679

said second cylindrical section (where 72 is located) being positioned between said intermediate section (bore where numbers 80 and 78 are located) and said first cylindrical section (bore to the right of 72); said PVC drop pipe being disconnectable from said similar adjacent PVC drop pipe and reusable.

In regard to claim 27, wherein said first cylindrical section being of sufficient length to receive a substantial portion of used external threads from said male end of said similar adjacent PVC drop pipe therein before threading (the left of the internal diameter to the right of 72 is at least as long as the threaded section 74), said used external threads from said male end of said similar adjacent PVC drop pipe being those threads which are threaded into and interlock with said internal threads of said first cylindrical section.

In regard to claim 28, the PVC drop pipe as recited in Claim 26 wherein said PVC drop pipe is of a substantially uniform circumference 22 at the male end.

In regard to claim 30, the female end is beveled 82, 84.

In regard to claim 31, wherein said first cylindrical section at said female end of said PVC drop pipe is formed by expanding said female end while heated and pliable (this is a product by process claim, and the process is given little patentable weight as long as the prior art anticipates the claimed structure of the present invention).

In regard to claim 33, wherein a connection with said similar adjacent PVC drop pipe will withstand approximately 1000 pounds of lateral force without leaking if said PVC drop pipe is a 2 inch diameter PVC drop pipe or proportionate amounts of lateral force for different diameter PVC drop pipe (see fig. 10).



***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. in view of Kane et al. Kimura et al. discloses a pipe assembly connection as described above, but does not disclose the use of square threads. Kane et al. teaches that triangular threads and square threads are well known equivalents in the art. Therefore it would have been obvious to a person having ordinary skill in the art to replace the threads of Kimura et al. with square threads.

13. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over St. Onge in view of Kane et al. St. Onge discloses a pipe assembly connection as described above, but does not disclose the use of square threads or tapered threads. Kane et al. teaches that triangular threads and square threads and cylindrical and tapered threads are well known equivalents in the art. Therefore it would have been obvious to a person having ordinary skill in the art to replace the threads of St. Onge with square threads or tapered threads.

14. Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over St. Onge in view of Kimura et al. St. Onge discloses a coupling as described above and discloses adding threads to make a secure connection between the adjoining pipes, but St. Onge does not disclose that the threads extend to the end of the male member. Kane et al. teaches providing a large threaded section, where the threads extend to the end of the male member, in order to

Art Unit: 3679

provide a large connection surface for the adjoining pipes. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the threaded section of St. Onge to include threads that extend to the end of the male member, as taught by Kane et al., in order to increase the connection area of the pipe joint, making a more secure connection between adjacent pipes.

### ***Double Patenting***

15. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16. Claims 1-8 and 18-34 are rejected under the judicially created doctrine of double patenting over claims 1-8 of U. S. Patent No. 6,666,480 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Claims 1-8 and 18-34 contain the same subject matter recited in claims 1-8 of Patent 6,666,480

Art Unit: 3679

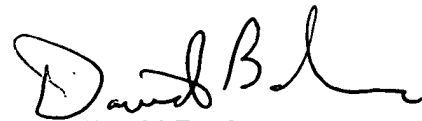
Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See MPEP § 804.

*Conclusion*

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

**David Bochna**  
**Primary Examiner**  
**Art Unit 3679**  
**September 9, 2004**